Inland Empire Waterkeeper
Advocacy • Education • Restoration • Enforcement

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May 14, 2014

VIA CERTIFIED MAIL

Maruhachi Ceramics of America, Inc.
Attn: Yoshihiro Suzuki, General Manager
1985 Sampson Avenue
Corona, California 92879

Yoshihiro Suzuki
Registered Agent for Maruhachi Ceramics of America, Inc.
1985 Sampson Avenue
Corona, California 92879

Satochi Sasaki and Yoshihiro Suzuki
Presidents
Delilah Properties, Inc.
1985 Sampson Avenue
Corona, California 92879

Yoshihiro Suzuki
Registered Agent for Delilah Properties, Inc.
1985 Sampson Avenue
Corona, California 92879

Re: Notice of Violation and Intent to File Suit Under the Clean Water Act

To Whom It May Concern:

I am writing on behalf of Inland Empire Waterkeeper and Orange County Coastkeeper (collectively "Waterkeeper") regarding violations of the Clean Water Act[1] and California's General Industrial Storm Water Permit[2] ("GISWP") occurring at: 1985 Sampson Avenue, Corona, California 92879 ("M.C.A. Facility" or "Facility"). The purpose of this letter is to put the Owner(s) and/or Operator(s) of the M.C.A. Facility ("M.C.A. Facility Owners and/or Operators"), on notice of the violations of the GISWP occurring at the Facility, including, but not limited to, discharges of polluted storm water from the Facility into local surface waters. Violations of the GISWP are violations of the Clean Water Act. As explained below, M.C.A. Facility Owners and/or Operators are liable for violations of the GISWP and the Clean Water Act.

Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b), requires that sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), a citizen must give notice of his/her intention to file suit. Notice must be given to the alleged violator (which shall be accomplished by certified mail addressed to, or by personal service upon, the owner or managing agent of the facility alleged to be in violation), the Administrator of the United States Environmental Protection Agency ("EPA"), the Regional Administrator of the EPA, the Executive Officer of the water pollution control agency in the

[1] Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*
[2] National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001, Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ.

State in which the violations occur, and, if the alleged violator is a corporation, the registered agent of the corporation. *See* 40 C.F.R. § 135.2(a)(1). This letter is being sent to you as the responsible owner and operator of the M.C.A. Facility, or as the registered agent for this entity. This notice letter ("Notice Letter") is issued pursuant to 33 U.S.C. §§ 1365(a) and (b) of the Clean Water Act to inform M.C.A. that Waterkeeper intends to file a federal enforcement action against M.C.A. for violations of the GISWP and the Clean Water Act sixty (60) days from the date of this Notice Letter.

I. BACKGROUND

A. Inland Empire Waterkeeper and Orange County Coastkeeper.

Inland Empire Waterkeeper's office is located at 6876 Indiana Avenue, Suite D, Riverside, California 92506. Inland Empire Waterkeeper is a chapter of Orange County Coastkeeper. Orange County Coastkeeper is a non-profit public benefit corporation organized under the laws of the State of California with its office at 3151 Airway Avenue, Suite F-110, Costa Mesa, California 92626. Together, Inland Empire Waterkeeper and Orange County Coastkeeper have over 2,000 members who live and/or recreate in and around the Santa Ana River watershed. Waterkeeper is dedicated to the preservation, protection, and defense of the environment, wildlife, and natural resources of the Inland Empire watershed. To further these goals, Waterkeeper actively seeks federal and state agency implementation of the Clean Water Act, and, where necessary, directly initiates enforcement actions on behalf of itself and its members.

Members of Waterkeeper use and enjoy the waters that the M.C.A Facility discharges into, including the Santa Ana River and its tributaries. Members of Waterkeeper use and enjoy the Santa Ana River and its tributaries to picnic, hike, view wildlife, and engage in scientific study including monitoring activities. The discharge of pollutants from the M.C.A. Facility impairs each of these uses. Further, discharges of polluted storm water from the M.C.A. Facility are ongoing and continuous. Thus, the interests of Waterkeeper's members have been, are being, and will continue to be adversely affected by M.C.A.'s failure to comply with the Clean Water Act and the GISWP.

B. The Owners and/or Operators of the M.C.A. Facility.

Certain classified facilities that discharge storm water associated with industrial activity are required to apply for coverage under the GISWP by submitting a Notice of Intent ("NOI") to the State Water Resources Control Board ("State Board") to obtain GISWP coverage. *See* GISWP, Finding #3. M.C.A. first obtained GISWP coverage in November 1992. The NOI identifies the owner/operator of the M.C.A. Facility as "Maruhachi Ceramics of America" and the Facility name and location as "Maruhachi Ceramics of America, 1985 Sampson Avenue, Corona, California 92879." The SIC Code on the NOI is 3259, structural clay manufacturing. The State Board assigned the M.C.A. Facility the Waste Discharge Identification ("WDID") number 8-33I009160.

Information available to Waterkeeper indicates that Maruhachi Ceramics of America, Inc. ("M.C.A.") is an owner and/or operator of the M.C.A. Facility. Information available to Waterkeeper indicates that Delilah Properties, Inc. is also an owner and/or operator of the M.C.A. Facility because Delilah Properties owns the parcel of land that the facility is located on, Assessor's Parcel Number (APN) 115-670-020. Waterkeeper refers to Maruhachi Ceramics of America, Inc. and Delilah Properties, Inc., collectively as the "Facility Owners and/or Operators."

Information available to Waterkeeper indicates that Maruhachi Ceramics of America, Inc. is an active California Corporation and its Registered Agent is Yoshihiro Suzuki, 1985 Sampson Avenue, Corona, California 92879. Information available to Waterkeeper indicates that Delilah Properties, Inc. is an active California Corporation and its Registered Agent is Yoshihiro Suzuki, 1985 Sampson Avenue, Corona, California 92879.

C. Storm Water Pollution and the Waters Receiving the M.C.A. Facility's Discharges.

With every significant rainfall event, millions of gallons of polluted storm water originating from industrial operations, such as M.C.A.'s, pour into storm drains and local waterways. The consensus among agencies and water quality specialists is that storm water pollution accounts for more than half of the total pollution entering surface waters each year. Such discharges of pollutants from industrial facilities contribute to the impairment of downstream waters and aquatic dependent wildlife. These contaminated discharges can and must be controlled for the ecosystem to regain its health.

Polluted discharges from structural clay facilities such as the M.C.A. Facility contain heavy metals (including zinc, copper, lead, aluminum and iron); total suspended solids ("TSS"); hydraulic fluids; transmission fluids; lubricating fluids; radiator fluids; antifreeze; diesel; motor oils; waste oils; solvents; paints; petroleum hydrocarbons; acids; bases; detergents; and oil and grease; and pH affecting substances.

The M.C.A. Facility discharges into Arlington Channel, which then flows into Reach 1 of Temescal Wash, a tributary to the Santa Ana River (Temescal Wash and the Santa Ana River are hereinafter collectively "Receiving Waters"). The Receiving Waters are ecologically sensitive areas. Although pollution and habitat destruction have drastically diminished once-abundant and varied fisheries, these waters are still essential habitat for dozens of fish and bird species as well as macro-invertebrate and invertebrate species. Storm water and non-storm water contaminated with sediment, heavy metals, and other pollutants harm the special aesthetic and recreational significance that the Receiving Waters have for people in the surrounding communities. The public's use of local waterways exposes many people to toxic metals and other contaminants in storm water discharges. Non-contact recreational and aesthetic opportunities, such as wildlife observation, are also impaired by polluted discharges to the Receiving Waters.

The California Regional Water Quality Control Board, Santa Ana Region Regional Board ("Regional Board") issued the *Santa Ana River Basin Water Quality Control Plan* ("Basin

Plan"). The Basin Plan identifies the "Beneficial Uses" of water bodies in the region. The Beneficial Uses for Reach 1 of Temescal Wash include: Water Contact Recreation (REC 1); Non-contact Water Recreation (REC 2); Warm Freshwater Habitat (WARM); and Wildlife Habitat (WILD). *See* Basin Plan at Table 3-1. The M.C.A. Facility discharges polluted water into Reach 1 of Temescal Wash, which flows into Reach 3 of the Santa Ana River. The Beneficial Uses for Reach 3 of the Santa Ana River include: Agricultural Supply (AGR), Groundwater Recharge (GWR); Water Contact Recreation (REC 1); Non-contact Water Recreation (REC 2); Warm Freshwater Habitat (WARM); Wildlife Habitat (WILD); and Rare, Threatened or Endangered Species (RARE). According to the 2010 303(d) List of Impaired Water Bodies, Reach 3 of the Santa Ana River is impaired for pollutants such as copper.[3] According to the 2010 303(d) List of Impaired Water Bodies, Reach 1 of the Temescal Creek is impaired for pollutants such as pH. Polluted discharges from industrial sites, such as the M.C.A. Facility, contribute to the degradation of these already impaired surface waters and aquatic-dependent wildlife.

II. THE M.C.A. FACILITY AND ASSOCIATED DISCHARGES OF POLLUTANTS

A. The M.C.A. Facility Site Description

The M.C.A. Facility is a clay tile manufacturer and distributor located in Corona, California. Documents obtained from the Regional Board indicate that the Facility spans 8 acres and industrial activities occur at this location. The 1992 NOI does not state the percentage of the site that is impervious, but the SWPPP states the Facility is fully improved. The SIC Code on the NOI is 3259 (structural clay products, not elsewhere classified). SIC 3259 must obtain GISWP coverage for the entire facility. GISWP, Attachment 1.

The M.C.A. facility lies between SR-91 to the northwest and Sampson Avenue to the southeast. The SWPPP site map, dated February 23, 2001, outlines three driveways along Sampson Avenue. Driveway 1 is the northernmost driveway and is used by trucks hauling clay to the Facility. Driveways 2 and 3 are used by the public and are located south of Driveway 1.

Driveway 1 leads from Sampson Avenue, past a 500-gallon above ground diesel fuel tank, to the Raw Material Storage Area. The Raw Material Storage Area consists of open storage bins for raw clay. Above the Raw Material Storage Area is an automatic sprinkler system used for dust suppression. To the north of the Raw Material Storage Area is the Material Handling Area. Both the Material Handling Area and Raw Material Storage Area are attached to the Product Manufacturing Building. The Product Manufacturing Building houses hoppers, conveyors, crushers, pre-plug machines, a box feeder, an extruder, kilns, as well as an Aging Area, and a dry tile rack. Along the Northwest border of the Product Manufacturing Building is the Exist Dock. The SWPPP site map identified a sump pump near the Exist Dock that conveys storm water from portions of the northern end of the property under the Finished Product Storage

[3] 2010 Integrated Report – All Assessed Waters, *available at* http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml (last accessed on April 8, 2014).

area to an outlet that drains to an unnamed driveway. Between the unnamed driveway and the southwest side of the Product Manufacturing Building is the Finished Product Storage Area, which stores final clay tile products. To the southeast of the Finished Product Storage Area is an unpaved gravel area.

Driveways 2 and 3 lead from Sampson Avenue to an administrative building and the Parking Lot. Southwest of Driveway 3 is Drain 4, as identified in the 2012-2013 Annual Report. According to the SWPPP site map, Drain 4 discharges storm water collected from the Parking Lot, administrative building, and the outlet on the unnamed driveway. Drain 4 is surrounded by a semicircular ring of sand bags during portions of the wet season. Drain 4 discharges under Sampson Avenue directly to the Arlington Flood Control Channel.

Drains 1, 2, and 3 are located are located near the northeastern border of the property. Drains 1 and 2 are across from the Raw Material Storage Area. Drain 1 is the northernmost drain located near SR-91. Drain 2 is located near the middle of the property's northeastern border. Drain 3 is located near the Parking Lot leading to Driveway 1. During portions of the wet season, each drain is surrounded by a ring of sand bags for erosion control purposes.

B. M.C.A.'s Industrial Activities and Associated Pollutants.

According to Section G of the SWPPP, titled "Industrial Process," the industrial activities that occur at the M.C.A. Facility involve receiving clay, unloading clay, grinding clay, mixing clay with water, shaping the clay, drying the clay, and firing the clay in a kiln. Trucks enter the Facility from Sampson Avenue onto Driveway 1, where they unload raw clay directly onto the driveway. Skip loaders transport the clay from the driveway into uncovered, outdoor storage bins in the Raw Material Storage Area. The manufacturing process begins when clay is taken into the Product Manufacturing Building and run through various conveyors and hoppers. First, clay is conveyed to the primary crusher where water is added to reach a 3-4% moisture content. Second, clay is conveyed to the pre-plug machine, where more water is added to reach 13-14% moisture content. Third, the clay is conveyed to the secondary crusher. Fourth, the clay is conveyed to the Aging Area and allowed to sit for three days. Fifth, the clay is loaded into the Final Hopper with a skip loader. Sixth, the clay enters the building again and is conveyed to the final pre-plug area where more water is added to reach a moisture content of 16 to 17%. Seventh, the clay is conveyed to the Final Roll Crusher to be finalized. Eighth, the clay is conveyed to a Box Feeder and into an Extruder, which extrudes the clay through a face die that forms a specific shape. Ninth, the clay is conveyed to the wood forms, where angle cuts, nail holes, and the M.C.A. mark are made on the tiles. Tenth, some of the clay tiles receives a spray flash or glaze. The unglazed and glazed clay tiles are then filed in the kilns. The finished products are stored outside in the Finished Product Storage Area.

Pollutants associated with operations at the Facility include, but are not limited to: heavy metals (such as aluminum); Total Suspended Solids; Oil and Grease; and pH-affecting substances. M.C.A. has not properly developed and/or implemented the required best management practices ("BMPs") to address pollutant sources and contaminated discharges. BMPs are necessary at the M.C.A. Facility to prevent the exposure of pollutants to precipitation

and the subsequent discharge of polluted storm water from the Facility during rain events. Consequently, during rain events storm water carries pollutants from the Facility's uncovered clay receiving areas, contaminated ground and floors, equipment, washing areas, roofs, refueling areas, and other areas into the storm sewer system, which flows into the Receiving Waters, in violation of the Storm Water Permit.

Information available to Waterkeeper, including observations of staining on the roof of the Product Manufacturing Building and the ground in uncovered portions of the site, indicates that storage of clay stockpiles occur at the M.C.A. Facility without adequate cover to prevent storm water and non-storm water exposure to pollutant sources. The resulting illegal discharges of polluted water impact Waterkeeper's members' use and enjoyment of the Receiving Waters by increasing the quantity of pollutants in the Receiving Waters and by posing risks to human health and aquatic life.

Information available to Waterkeeper indicates that storage of vehicles and equipment, storage of materials associated with clay and tile storage and transfer, and other industrial activities occur throughout the Facility outdoors, without adequate cover to prevent storm water and non-storm water exposure to pollutant sources, and without secondary containment or other adequate treatment measures to prevent polluted storm water and non-storm water from discharging from the Facility. Further, information available to Waterkeeper indicates that the pollutants associated with the Facility have been and continue to be tracked throughout the Facility, where they accumulate on the roof of the Product Manufacturing Building, at the storm water discharge points, and the driveways leading to Sampson Avenue. This results in trucks and vehicles tracking sediment, dirt, fugitive dust, oil and grease, metal particles, and other pollutants off-site. Additionally, when it is rainy or windy, clay dust on the roof can blow or wash off. These activities are all significant pollutant sources at the Facility.

M.C.A.'s failure to develop and/or implement required BMPs also results in prohibited discharges of non-storm water in violation of the Storm Water Permit and the Clean Water Act. Information available to Waterkeeper indicates that M.C.A. discharges process waters from equipment washing, dust suppression, and other activities as part of its industrial operations. These illegal discharges of polluted storm and non-storm water negatively impact Waterkeeper's members' use and enjoyment of the Receiving Waters by degrading the quality of the Receiving Waters and by posing risks to human health and aquatic life.

C. M.C.A. Facility Storm Water Flow and Discharge Locations.

The M.C.A. Facility Owners and/or Operators report storm water polluted by the M.C.A. Facility's industrial operations is discharged to the Receiving Water via discharge points located throughout the Facility. Information available to Waterkeeper, including the M.C.A. Annual Reports and SWPPP, indicate that the M.C.A. Facility has 4 storm water discharge points. Information available to Waterkeeper that Drain 1 is located in the north portion of the facility near the SR-91 freeway; Drain 2 is near the east driveway in the middle of the driveway; Drain 3 is in the east driveway near the cottage; and Drain 4 is in the south portion of the Facility near the main gate. The SWPPP states that storm water also drains from the Facility parking lot and

into a catch basin that drains to the Arlington Channel, which connects to the Santa Ana River. M.C.A.'s Annual Reports do not include information about samples collected from the parking lot.

From the north portion of the site, storm water appears to flow into a sump pump, into Drain 1, southward under the Facility, and into the Arlington Channel. Storm water on the eastern driveway appears to flow into the drainage points on the eastern driveway, southward under the Facility, and into the Arlington Channel. It is unclear, however, how storm water flows from the Finished Product Storage Area into the drains.

The M.C.A. Facility Owners and/or Operators have not properly developed and/or implemented the required BMPs to address pollutant sources, to prevent the exposure of pollutants to storm water, or to prevent the subsequent discharge of polluted storm water from the M.C.A. Facility during rain events. Consequently, during rain events, storm water carries pollutants from the M.C.A. Facility's uncovered storage areas, uncovered piles, contaminated roofs, ground and floors, and other sources into the storm sewer system on and adjacent to the M.C.A. Facility, which flows into the Receiving Waters.

III. VIOLATIONS OF THE CLEAN WATER ACT AND THE GISWP

In California, any person who discharges storm water associated with industrial activity must comply with the terms of the Storm Water Permit in order to lawfully discharge pollutants. *See* 33 U.S.C. §§ 1311(a), 1342; 40 C.F.R. § 122.26(c)(1); *see also* Storm Water Permit, Fact Sheet at VII.

A. Discharges of Pollutants Not in Compliance with an NPDES Permit in Violation of Section 301(a) of the Clean Water Act.

The Clean Water Act requires that any person discharging pollutants to a water of the United States from a point source[4] obtain coverage under an NPDES permit. *See* 33 U.S.C. §§ 1311(a), 1342; 40 C.F.R. § 122.26(c)(1). The GISWP is an NPDES permit which regulates storm water discharges associated with certain industrial activities. Industrial activities conducted at the M.C.A. Facility fall under SIC Code 3259. Under SIC Code 3259, permit coverage applies to the entire Facility.

Information available to Waterkeeper indicates that the M.C.A. Facility Owners and/or Operators have not obtained an individual NPDES permit for the Facility. Therefore, they must comply with the GISWP. Every day that the M.C.A. Facility Owners and/or Operators discharge pollutants not in compliance with an NPDES permit is a separate and distinct violation of the Clean Water Act. M.C.A. has been and continues to be in daily violation of the requirement to

[4] A point source is defined as any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. 33 U.S.C. § 1362(14); *see* 40 C.F.R. § 122.2

obtain and comply with a Clean Water Act NPDES permit every day since beginning operations. M.C.A. is subject to civil penalties for all violations of the Clean Water Act occurring since May 14, 2009.

B. Discharges of Polluted Storm Water from the M.C.A. Facility in Violation of Effluent Limitation B(3) of the GISWP.

Effluent Limitation B(3) of the GISWP requires dischargers to reduce or prevent pollutants associated with industrial activity in storm water discharges through implementation of BMPs that achieve best available technology economically achievable ("BAT") for toxic pollutants[5] and best conventional pollutant control technology ("BCT") for conventional pollutants.[6] EPA Benchmarks are relevant and objective standards for evaluating whether a permittee's BMPs achieve compliance with BAT/BCT standards as required by Effluent Limitation B(3) of the GISWP.[7]

Storm water sampling at the M.C.A. Facility demonstrates that storm water discharges from the Facility consistently contain concentrations of pollutants above the EPA Benchmark Levels. For example, the EPA Benchmark for aluminum is 0.75 mg/L. A storm water sample from the Facility taken on December 7, 2009 shows exceedances of the benchmark limit for aluminum by 76 times the daily maximum effluent limit at Drain 1, 21 times the daily maximum effluent limit at Drain 2, 25 times the daily maximum limit at Drain 3, and 8.16 times the daily maximum effluent limit at Drain 4. A sample taken on October 20, 2010 shows exceedances of this limit by 132.4 times at Drain 1, 188 times at Drain 2, 75 times the limit at Drain 3, and 9.8 times at Drain 4. A sample taken on March 21, 2011 shows exceedances of this limit by 72 times at Drain 1, 41.5 times at Drain 2, 9.1 times at Drain 3, and 6 times at Drain 4. A sample taken on February 15, 2012 shows exceedances of this limit by 69.1 times at Drain 1, 43.7 times at Drain 2, 12 times at Drain 3, and by 16.13 times at Drain 4. A sample taken on February 8, 2013 shows exceedances of this limit by 174.6 times at Drain 1, 120.8 times at Drain 2, 25.1 times at Drain 3, and by 28.9 times at Drain 4. A sample taken on March 8, 2013 shows exceedances of this limit by 44.9 times at Drain 1, 26.5 times at Drain 2, 11.5 times at Drain 3, and 7.85 times at Drain 4. *See* Exhibit A.

Storm water samples taken by M.C.A. Facility Owners and/or Operators of TSS show exceedances. The EPA Benchmark Level for TSS is 100 mg/L. Storm water samples collected by the M.C.A. Facility Owners and/or Operators on December 7, 2009 shows exceedance of this limit by 6.8 times at Drain 1, 1.6 times at Drain 2, and 1.4 times at Drain 3. A sample collected on October 20, 2010 shows exceedances by 22 times at Drain 1, 59 times at Drain 2, and 6.9

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[5] Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead and zinc, among others.
[6] Conventional pollutants are listed at 40 C.F.R. § 401.16 and include biochemical oxygen demand, TSS, oil and grease, pH, and fecal coliform.
[7] *See United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) Authorization to Discharge Under the National Pollutant Discharge Elimination System*, as modified effective February 26, 2009 ("Multi-Sector Permit"), Fact Sheet, p.106; *see also*, 65 Fed. Reg. 64839 (2000).

times at Drain 3. A sample on March 21, 2011 shows an exceedance by 3.5 times at Drain 1 and 1.5 times at Drain 2. A sample taken on February 15, 2012 shows an exceedance by 7.9 times at Drain 1 and 2.9 times at Drain 2. *See* Exhibit A. The M.C.A. Facility Owners and/or Operators received a parameter benchmark exceedance letter from the Regional Board for benchmark exceedances of TSS on June 6, 2013. M.C.A. submitted an ACSCE in response to the letter, indicating that Drain 1 had an exceedance of TSS and the corrective response would be to install more filtration media.

Storm water samples collected at the M.C.A. Facility analyzed for Total Organic Carbon ("TOC") show numerous exceedances. The EPA Benchmark Level for TOC is 110 mg/L. A sample collected on December 7, 2009 shows exceedances by 4.36 times at Drain 1, by 5.45 times at Drain 3, and 3.27 times at Drain 4. A sample taken on October 20, 2010 shows exceedances by 2.9 times at Drain 1, 11.82 times at Drain 2, 4.9 times at Drain 3, and 2.55 times at Drain 4. A sample taken on March 21, 2011 shows exceedances by 1.8 times at Drain 1.

Samples collected by M.C.A. Owners and/or Operators from the Facility show exceedances of the pH Benchmark Levels. The EPA Benchmark Level is 6.0-9.0. A sample of the storm water discharge from the M.C.A. Facility on December 7, 2009 showed pH levels of 5.87 at Drain 1, 5.04 at Drain 2, and 5.85 at Drain 4. In October 2008, a discharge from Drain 4 had a pH level of 5.94.

The repeated and significant exceedances of EPA Benchmark Levels demonstrate that M.C.A. Owners and/or Operators have failed and continue to fail to develop and/or implement required BMPs to prevent the exposure of pollutants to storm water and to prevent discharges of polluted storm water from the Facility, in violation of Effluent Limitation B(3) of the GISWP.

Waterkeeper puts M.C.A. on notice that M.C.A. violates Effluent Limitation B(3) of the GISWP every time M.C.A. discharges storm water from the M.C.A. Facility without BMPs that achieve BAT/BCT, resulting in exceedances of EPA benchmark limits. *See,* Exhibit A. These discharge violations are ongoing and will continue every time M.C.A. discharges polluted storm water without developing and/or implementing BMPs that achieve compliance with the BAT/BCT standards. Waterkeeper will update the dates of violations when additional information and data become available. Each time M.C.A. discharges polluted storm water in violation of Effluent Limitation B(3) of the GISWP is a separate and distinct violation of the GISWP and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). The M.C.A. Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since May 14, 2009.

C. Failure to Develop, Implement, and/or Revise an Adequate Storm Water Pollution Prevention Plan.

Section A(1) and Provision E(2) of the GISWP require dischargers to have developed and implemented a SWPPP that meets all of the requirements of the GISWP before beginning industrial activities. The objective of the SWPPP requirement is to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water

discharges from the M.C.A. Facility, and to implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges. GISWP, Section A(2). These BMPs must achieve compliance with BAT/BCT standards. To ensure compliance with the GISWP, the SWPPP must be evaluated on an annual basis pursuant to the requirements of Section A(9). The SWPPP must also be revised as necessary to ensure compliance with the GISWP. *Id.*, Sections A(9) and A(10).

Sections A(3) – A(10) of the GISWP set forth the requirements for a SWPPP. Among other things, the SWPPP must include: a site map showing the facility boundaries, storm water drainage areas with flow patterns, nearby water bodies, the location of the storm water collection, conveyance and discharge system(s), structural control measures, areas of actual and potential pollutant contact, and areas of industrial activity (*see* Section A(4)); a list of significant materials handled and stored at the site (*see* Section A(5)); a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities; a description of significant spills and leaks; a list of all non-storm water discharges and their sources; and a description of locations where soil erosion may occur (*see* Section A(6)). Sections A(7) and A(8) require an assessment of potential pollutant sources at the facility and a description of the BMPs to be implemented at the facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective.

Information available to Waterkeeper indicates that M.C.A. Facility Owners and/or Operators have been conducting and continue to conduct operations at the M.C.A. Facility with an inadequately developed, implemented, and/or revised SWPPP. First, the current SWPPP for the M.C.A. Facility fails to include an adequate site map in violation of Section A(4) of the GISWP. For example, the site map included with the M.C.A. Facility SWPPP does not provide a description of: areas of dust and particulate generating activities; an outline of all impervious areas; the locations where materials are directly exposed to precipitation and where significant spills/leaks have occurred; structural control measures; areas of industrial activity; portions of the drainage area impacted by run-on; municipal storm drain inlets; vehicle and equipment storage/maintenance areas; waste treatment and disposal areas; cleaning and rinsing areas; other areas of industrial activity which are potential pollutant sources; or the location of the storm water collection, conveyance and discharge system(s). By failing to include all of these necessary portions in the site map, M.C.A. is in violation of Section A(4) of the GISWP.

The M.C.A. Facility does not fulfill the GISWP requirements for other reasons as well. For example, Section A(6) of the GISWP requires a facility's SWPPP to include a narrative description of the facility's industrial activities. Specifically, the GISWP requires the SWPPP to describe, at a minimum, material handling and storage areas, including a description of containment structures and their corresponding containment capacity. The M.C.A. SWPPP does not include a narrative description of the Facility's material handling and storage areas, including spill or leak prevention and response procedures, containment structures or containment capacity. The GISWP also requires a narrative description of significant spills and leaks, including the type, characteristics, and approximate quantity of the materials spilled or leaked. The GISWP requires the list of cleanup or remedial actions that have occurred or are planned to

be described and updated as appropriate. The M.C.A. SWPPP identified sediments originating from clay materials mixing with storm water as a significant spill or leak. The complete failure of the M.C.A. Facility Owners and/or Operators to update the list of remedial actions after continuous benchmark exceedances of TSS is a violation of Section A(6) of the GISWP.

Section A(8) of the GISWP requires a facility's SWPPP to include a narrative description of the BMPs to be implemented at the facility for each potential pollutant and its source. There are two types of BMPs discussed in Section A(8): nonstructural and structural BMPs. Where non-structural BMPs are not effective at reducing or preventing pollutants in storm water discharges and authorized non-storm water discharges, structural BMPs shall be considered. Section A(8)(b). The M.C.A. SWPPP does not narratively describe structural BMPs. For example, the M.C.A. SWPPP states the presence of an onsite catchment basin that drains to the Arlington Channel. The catchment basin is not mentioned in the narrative portions of the M.C.A. Facility's SWPPP. Additionally, the SWPPP for the M.C.A. Facility identifies a 500 gallon above ground diesel fuel tank without narratively describing the secondary containment structure BMP. The failure to include this information is a violation of GISWP Section A(8).

Finally, M.C.A. has failed and continues to fail to develop, implement, and/or revise its SWPPP as necessary, as required by Section A(9) and A(10), to ensure that the SWPPP contains adequate BMPs to prevent the exposure of pollutant sources to storm water and the subsequent discharge of polluted storm water from the M.C.A. Facility. For example, Waterkeeper's review of Regional Board documents indicates that M.C.A.'s most recent SWPPP was submitted to the Regional Board is dated February 23, 2001. Since at least May 14, 2009, polluted storm water has discharged from the M.C.A. Facility on dozens of occasions, evidencing that M.C.A. has inadequately developed and/or implemented BMPs at the Facility. *See* Exhibit A. M.C.A.'s annual site inspections and storm water sampling have put M.C.A. on notice that existing BMPs established under the current SWPPP have failed to prevent storm water exposure to pollutants and that M.C.A. must revise its SWPPP.

Every day the M.C.A. Facility Owners and/or Operators operates the M.C.A. Facility with an inadequately developed, implemented, and/or revised SWPPP is a separate and distinct violation of the GISWP and the Clean Water Act. M.C.A. has been in daily and continuous violation of the GISWP's SWPPP requirements. These violations are ongoing, and Waterkeeper will include additional violations as information and data become available. M.C.A. is subject to civil penalties for all violations of the Clean Water Act occurring since May 14, 2009.

D. Failure to Develop, Implement, and/or Revise an Adequate Monitoring and Reporting Program.

Section B(1) and Provision E(3) of the GISWP require facility operators to develop and implement an adequate monitoring and reporting plan ("M&RP") by October 1, 1992, or prior to the commencement of industrial activities at a facility, that meets all of the requirements of the GISWP. The primary objective of the M&RP is to detect and measure the concentrations of pollutants in a facility's discharge to ensure compliance with the GISWP's Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations. *See* GISWP, Section B(2).

The M&RP must therefore ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility, and are evaluated and revised whenever appropriate to ensure compliance with the GISWP. *See Id.* Dischargers must also revise the M&RP to ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility. *Id.*; *see also* Section B(4).

Sections B(3) through B(16) of the GISWP set forth the M&RP requirements. Specifically, Section B(3) requires dischargers to conduct quarterly visual observations of all drainage areas within their facility for the presence of authorized and unauthorized non-storm water discharges. Section B(4) requires dischargers to conduct visual observations of storm water discharges during the first hour of discharge of at least one storm event per month during the Wet Season at each discharge point. Sections B(3) and B(4) further require dischargers to document the presence of any floating or suspended material, O&G, discolorations, turbidity, odor, and the source of any pollutants. Dischargers must maintain records of observations, observation dates, locations observed, and responses taken to eliminate unauthorized non-storm water discharges and to reduce or prevent pollutants from contacting non-storm water and storm water discharges. GISWP, Sections B(3) and B(4). Dischargers must also revise the SWPPP to ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility. *Id.*; Section B(4).

Sections B(5) and (7) of the GISWP require dischargers to visually observe and collect samples during the first hour of discharge from the first storm event of the wet season and at least one other storm event during the wet season. Section B(5) also requires samples to be collected at each discharge point. Storm water samples shall be analyzed for TSS, pH, specific conductance, and TOC or O&G, toxic chemicals and other pollutants likely to be present in significant quantities in storm water discharges. *Id.*, Section B (5)(c)(i-ii). The M.C.A. Facility, as a structural clay product manufacturing facility classified under SIC Code 3259, must also analyze storm water samples for aluminum. *See id.*, Section B (5)(c)(iii); *see also* GISWP, Table D, Sector E.

The M.C.A. Owners and/or Operators are in violation of the GISWP for failing to visually observe storm water discharges from one storm event per month during the wet season, as required by Section B(4) of the GISWP. For example, in the 2009-2010 reporting year, M.C.A. did not visually observe any storm events during the months of October, February, March, or April. In the 2010-2011 reporting year, M.C.A. did not observe storm events during November, December, February, April, or May. In the 2011-2012 reporting year, M.C.A. did not observe storm events during the months of October, November, December, February, March, or April. During the 2012-2013 reporting year, M.C.A did not report observing storm events during the months of October, November, December, January, March, April, May or June. In the 2012-2013 reporting year, M.C.A. did not observe storm events during the months of October, November, December, January, or May. Storm events occurred during each of the aforementioned months near the M.C.A. Facility.

Also in violation of Storm Water Permit Section B(5), M.C.A. Facility Owners and/or Operators have failed to collect storm water samples from the first storm event of the Wet

Season. For example, October 12, 2012[8] was the first significant rain event of the 2012-2013 wet season, but the M.C.A. Facility Owners and/or Operators did not collect any storm water samples on that date. In addition, October 6, 2011[9] was the first significant rain event of the 2011-2012 wet season, but the M.C.A. Facility Owners and/or Operators did not collect any storm water samples on October 6, 2011. October 14, 2009[10] was the first significant rain event of the 2009-2010 wet season, but the M.C.A. Facility Owners and/or Operators did not collect any samples on October 14, 2009.

The M.C.A. Facility Owners and/or Operators are in violation of the GISWP for failing to analyze storm water samples for all required parameters. *See* GISWP, Section B(5)(c). Specifically, the M.C.A. Facility Owners and/or Operators have failed and continue to fail to analyze storm water discharges from the M.C.A. Facility for specific conductance.

Finally, the M.C.A. Facility Owner's and/or Operator's failure to conduct sampling and monitoring as required by the GISWP demonstrates that it has failed to develop, implement, and/or revise an M&RP that complies with the requirements of Section B and Provision E(3) of the GISWP. Every day that M.C.A. conducts operations in violation of the specific monitoring and reporting requirements of the GISWP, or with an inadequately developed, implemented, and/or revised M&RP, is a separate and distinct violation of the GISWP and the Clean Water Act. The M.C.A. Facility Owners and/or Operators have been in daily and continuous violation of the GISWP's M&RP requirements every day since at least May 14, 2009. These violations are ongoing, and Waterkeeper will include additional violations as information and data become available. The M.C.A. Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since May 14, 2009.

E. <u>Failure to Comply with the GISWP's Reporting Requirements.</u>

Section B(14) of the GISWP requires a permittee to submit an Annual Report to the Regional Board by July 1 of each year. The GISWP, in relevant part, requires that the Annual Report include the following: 1) a summary of visual observations and sampling results, 2) an evaluation of the visual observation, sampling, and analysis results, and 3) the ACSCE Report. Section B(14). As part of the ACSCE, which must be included in the Annual Report, the facility operator shall review and evaluate all of the BMPs to determine whether they are adequate or whether SWPPP revisions are needed. *See* GISWP Section A(9). The Annual Report shall be signed and certified by a duly authorized representative, under penalty of law that the information submitted is true, accurate, and complete to the best of his/her knowledge. *See* GISWP, Sections B(14), C(9), and C(10).

The M.C.A. Owners and/or Operators have failed to comply with the reporting requirements under the GISWP. For example, M.C.A. Facility Owners and/or Operators certify in their Annual Reports that: (1) a complete Annual Comprehensive Site Compliance Evaluation was done pursuant to Section A(9) of the GISWP; (2) the SWPPP's BMPs address existing

[8] *See* Exhibit B.
[9] *See id.*
[10] *See id.*

potential pollutant sources; and (3) the SWPPP complies with the GISWP, or will otherwise be revised to achieve compliance. However, information available to Coastkeeper, including a review of the Regional Board's files and the M.C.A. Facility storm water sampling data, indicates that the M.C.A. Facility Owners' and/or Operators' certifications are erroneous. The M.C.A. Facility Owners and/or Operators have not developed and/or implemented required BMPs, or revised the SWPPP. These failures result in the ongoing discharge of storm water containing pollutant levels in violation of the GISWP limitations, and the ongoing discharge of prohibited non-storm water discharges.

M.C.A. Facility Owners and/or Operators have also failed and continue to submit incomplete Annual Reports without necessary explanations. Section A(5) requires the first storm event of the wet season be sampled. If the operator cannot sample the first storm event, then the operator must explain in the Annual Report why it was not sampled. Section A(5) also details the required analysis for every sample collected under the GISWP. Information available to Waterkeeper indicates M.C.A. Facility Owners and/or Operators have failed to provide explanations justifying why the first storm event of the wet season was not sampled. Additionally, M.C.A. Facility Owners and/or Operators have not sampled for all the parameters required by Section A(5). As such, the M.C.A. Facility Owner and/or Operator is in daily violation of this requirement of the GISWP.

Further, the M.C.A. Facility Owners and/or Operators have submitted inaccurate Annual Reports. For example, the M.C.A. Facility Owners and/or Operators failed to sample the first rain event during the 2011-2012 wet season, yet the 2011-2012 Annual Report indicates that the first rain event was sampled. *Compare* Exhibit B *with* 2010-2011 Annual Report. As another example of inaccurate reporting, the M.C.A. Facility Owners and/or Operators stated that the first rain event of the 2012-2013 wet season was sampled. However, when compared with Exhibit B, the Annual Report's certification that the February 8, 2013 sample was the first storm event of the wet season in inaccurate. Submitting an inaccurate annual report is a violation of Sections C(9) and C(10) of the GISWP.

Each of the failures to report discussed above is a violation of the GISWP, and indicates a continuous and ongoing failure to comply with the GISWP's reporting requirements. Every day M.C.A. operates the M.C.A. Facility without reporting as required by the GISWP is a separate and distinct violation of the GISWP and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). M.C.A. has been in daily and continuous violation of the GISWP's reporting requirements every day. These violations are ongoing. M.C.A. is subject to civil penalties for all violations of the Clean Water Act occurring since May 14, 2009.

IV. RELIEF SOUGHT FOR VIOLATIONS OF THE CLEAN WATER ACT

Pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § 19.4, each separate violation of the Clean Water Act subjects the violator to a penalty for all violations occurring during the period commencing five years prior to the date of the Notice Letter. These provisions of law authorize civil penalties of up to $37,500 per day per violation for all Clean Water Act violations

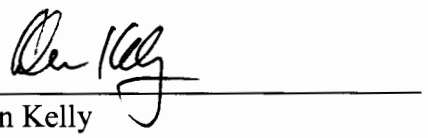
after January 12, 2009. In addition to civil penalties, Waterkeeper will seek injunctive relief preventing further violations of the Clean Water Act pursuant to Sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), declaratory relief, and such other relief as permitted by law. Lastly, pursuant to Section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), Waterkeeper will seek to recover its costs, including attorneys' and experts' fees, associated with this enforcement action.

V. CONCLUSION

Waterkeeper is willing to discuss effective remedies for the violations described in this Notice Letter. However, upon expiration of the 60-day notice period, Waterkeeper will file a citizen suit under Section 505(a) of the Clean Water Act for M.C.A. Facility Owner and/or Operator's violations of the GISWP. Please direct all communications to Waterkeeper's legal counsel at:

Inland Empire Waterkeeper
ATTN: Colin A. Kelly
3151 Airway Ave., Suite F-110
Costa Mesa, CA 92626
Tel: (714) 850-1965 ext. 307

Sincerely,



Colin Kelly
Staff Attorney
Inland Empire Waterkeeper
Orange County Coastkeeper

SERVICE LIST

VIA U.S. CERTIFIED MAIL

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Exhibit A

Sampling Conducted by MCA Demonstrating Noncompliance with BAT/BCT Standards

Date of Sample	Sample Location	Constituent	EPA Benchmark Limit	Sample Value	Multiple of EPA Benchmark Limit
12/7/09	Drain 1	pH	6-9	5.87	
12/7/09	Drain 1	Aluminum	0.75 mg/L	57.1 mg/L	76
12/7/09	Drain 1	Total Suspended Solids (TSS)	100 mg/L	680 mg/L	6.8
12/7/09	Drain 1	Oil & Grease	15 mg/L	21 mg/L	1.4
12/7/09	Drain 1	Total Organic Carbon (TOC)	110 mg/L	480 mg/L	4.36
12/7/09	Drain 2	pH	6-9 s.u.	5.04	
12/7/09	Drain 2	Aluminum	0.75 mg/L	16.1 mg/L	21
12/7/09	Drain 2	TSS	100 mg/L	160 mg/L	1.6
12/7/09	Drain 3	Oil & Grease	15 mg/L	21 mg/L	1.4
12/7/09	Drain 3	Aluminum	0.75 mg/L	19 mg/L	25.3
12/7/09	Drain 3	TSS	100 mg/L	140 mg/L	1.4
12/7/09	Drain 3	TOC	110 mg/L	600 mg/L	5.45
12/7/09	Drain 4	pH	6-9 s.u.	5.85	
12/7/09	Drain 4	Oil & Grease	15 mg/L	20 mg/L	1.3
12/7/09	Drain 4	Aluminum	0.75 mg/L	6.12 mg/L	8.16
12/7/09	Drain 4	TOC	100 mg/L	360 mg/L	3.6
10/20/10	Drain 1	Aluminum	0.75 mg/L	99.3 mg/L	132.4
10/20/10	Drain 1	TSS	100 mg/L	2200 mg/L	22
10/20/10	Drain 1	TOC	110 mg/L	320 mg/L	2.91
10/20/10	Drain 1	Oil & Grease	15 mg/L	74 mg/L	4.93
10/20/10	Drain 2	Oil & Grease	15 mg/L	57 mg/L	3.8
10/20/10	Drain 2	Aluminum	0.75 mg/L	141 mg/L	188
10/20/10	Drain 2	TSS	100 mg/L	5900 mg/L	59
10/20/10	Drain 2	TOC	110 mg/L	1300 mg/L	11.82
10/20/10	Drain 3	Oil & Grease	15 mg/L	71 mg/L	4.73
10/20/10	Drain 3	Aluminum	0.75 mg/L	56.3 mg/L	75
10/20/10	Drain 3	TSS	100 mg/L	690 mg/L	6.9
10/20/10	Drain 3	TOC	110 mg/L	540 mg/L	4.91
10/20/10	Drain 4	pH	6-9 s.u.	5.94 s.u.	
10/20/10	Drain 4	Oil & Grease	15 mg/L	300 mg/L	20
10/20/10	Drain 4	Aluminum	0.75 mg/L	7.34 mg/L	9.8
10/20/10	Drain 4	TOC	110 mg/L	280 mg/L	2.55

Date of Sample	Sample Location	Constituent	EPA Benchmark Limit	Sample Value	Multiple of EPA Benchmark Limit
3/21/11	Drain 1	Aluminum	0.75 mg/L	54.1 mg/L	72
3/21/11	Drain 1	TSS	100 mg/L	350 mg/L	3.5
3/21/11	Drain 1	TOC	110 mg/L	200 mg/L	1.82
3/21/11	Drain 2	Aluminum	0.75 mg/L	31.1 mg/L	41.5
3/21/11	Drain 2	TSS	100 mg/L	150 mg/L	0.5
3/21/11	Drain 3	Aluminum	0.75 mg/L	6.81 mg/L	9.1
3/21/11	Drain 4	Aluminum	0.75 mg/L	4.51 mg/L	6
2/15/12	Drain 1	Aluminum	0.75 mg/L	51.8 mg/L	69.1
2/15/12	Drain 1	TSS	100 mg/L	790 mg/L	7.9
2/15/12	Drain 2	Aluminum	0.75 mg/L	32.8 mg/L	43.7
2/15/12	Drain 2	TSS	100 mg/L	290 mg/L	2.9
2/15/12	Drain 3	Aluminum	0.75 mg/L	9.04 mg/L	12
2/15/12	Drain 4	Aluminum	0.75 mg/L	12.1 mg/L	16.13
2/8/13	Drain 1	Aluminum	0.75 mg/L	131 mg/L	174.6
2/8/13	Drain 1	TSS	100 mg/L	5200 mg/L	52
2/8/13	Drain 2	Aluminum	0.75 mg/L	90.6 mg/L	120.8
2/8/13	Drain 2	TSS	100 mg/L	1500 mg/L	15
2/8/13	Drain 3	Aluminum	0.75 mg/L	18.8 mg/L	25.1
2/8/13	Drain 3	TSS	100 mg/L	260 mg/L	2.6
2/8/13	Drain 4	Aluminum	0.75 mg/L	21.7 mg/L	28.9
2/8/13	Drain 4	TSS	100 mg/L	370 mg/L	3.7
3/8/13	Drain 1	Aluminum	0.75 mg/L	33.7 mg/L	44.9
3/8/13	Drain 1	TSS	100 mg/L	440 mg/L	4.4
3/8/13	Drain 2	Aluminum	0.75 mg/L	19.9 mg/L	26.5
3/8/13	Drain 2	TSS	100 mg/L	180 mg/L	1.8
3/8/13	Drain 3	Aluminum	0.75 mg/L	8.65 mg/L	11.5
3/8/13	Drain 3	TSS	100 mg/L	160 mg/L	1.6
3/8/13	Drain 4	Aluminum	0.75	5.89	7.85

Exhibit B

Table of Significant Rain Events 2009-2013
(Rain Station: Norco 2.3 SE CA US from NOAA)

	Date	Inches
1.	10/14/09	0.15
2.	12/7/09	0.10
3.	12/8/09	1.09
4.	12/12/09	0.20
5.	12/13/09	0.73
6.	12/22/09	0.16
7.	1/21/10	0.79
8.	1/22/10	2.02
9.	1/23/10	0.62
10	1/27/10	0.19
11	2/7/10	0.51
12	2/20/10	0.14
13	2/27/10	0.13
14	2/28/10	0.62
15	3/4/10	0.13
16	3/7/10	0.33
17	4/12/10	0.56
18	4/22/10	0.19
19	10/20/10	0.16
20	10/30/10	0.14
21	11/21/10	0.26
22	12/6/10	0.5
23	12/16/10	0.14
24	12/18/10	0.23
25	12/19/10	0.72

	Date	Inches
26	12/21/10	2.20
27	12/22/10	2.97
28	12/23/10	0.72
29	12/26/10	0.36
30	12/29/10	0.33
31	12/30/10	0.35
32	1/3/11	0.39
33	1/31/11	0.24
34	2/19/11	0.32
35	2/20/11	0.37
36	2/26/11	0.88
37	3/21/11	0.8
38	3/22/11	0.15
39	3/24/11	0.44
40	5/18/11	0.22
41	10/6/11	0.4
42	11/5/11	0.22
43	11/7/11	0.32
44	11/12/11	0.16
45	11/21/11	0.49
46	12/13/11	0.33
47	1/16/12	0.10
48	1/21/12	0.20
49	1/24/12	0.47
50	2/16/12	0.4

	Date	Inches
51	2/28/12	0.17
52	3/18/12	0.52
53	3/26/12	0.19
54	4/11/12	0.17
55	4/12/12	0.12
56	4/14/12	0.28
57	4/26/12	0.40
58	10/12/12	0.38
59	11/30/12	0.10
60	12/3/12	0.13
61	12/13/12	0.65
62	12/14/12	0.11
63	12/15/12	0.12
64	12/24/12	0.24
65	12/30/12	0.18
66	1/24/13	0.12
67	1/25/13	0.35
68	1/26/13	0.37
69	2/9/13	0.50
70	2/20/13	0.24
71	3/8/13	0.29
72	3/9/13	0.31
73	5/6/13	0.11